

CLAIM OF: **TOMOND JACK AND SHARON E. JACK**  
251 West Lake Drive  
Atlanta, Georgia 30314

For damages alleged to have been sustained as a result of a sewer back up on October 11, 2008 at 251 West Lake Drive.

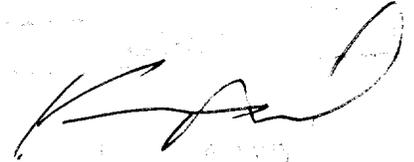
**BY PUBLIC SAFETY AND LEGAL ADMINISTRATION COMMITTEE:**

**BE IT RESOLVED** by the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **TOMOND JACK AND SHARON E. JACK** the sum of **\$4,000.00** in full settlement and satisfaction of all claims, past, present and future, of every kind and character for damages alleged to have been sustained as a result of a sewer back up on October 11, 2008 at 251 West Lake Drive as is more particularly set forth in the within claim; said sum taken from and charged to account **5051.170201.5750002.4310000**.

**ADOPTED BY**  
MAR 15 2010  
**COUNCIL**

MAR 15 2010

APPROVED: **ROGER BHANDARI**  
ACTING CITY ATTORNEY



BY: \_\_\_\_\_  
**JERRY L. DELOACH**  
DEPUTY CITY ATTORNEY

**FAVORABLE REPORT**

PUBLIC SAFETY &  
LEGAL ADMINISTRATION COMMITTEE

DATE: 3/9/10

CHAIR: \_\_\_\_\_

\_\_\_\_\_  
\_\_\_\_\_

Yadun  
Devin M. Sheppard

**JERRY L. DELOACH**  
MAR 15 2010  
Devin M. Sheppard  
MUNICIPAL CLERK



**MUNICIPAL CLERK  
ATLANTA, GEORGIA**

**10-R-0429**

**A RESOLUTION**

**BY PUBLIC SAFETY AND  
LEGAL ADMINISTRATION COMMITTEE**

**BE IT RESOLVED BY** the Council of the City of Atlanta that action of the Department of Law be approved in authorizing payment to **Tomond Jack and Sharon E. Jack** the sum of **\$4,000.00** as full and final settlement and satisfaction of all claims, past, present and future, of every kind and character, for property damages alleged to have been sustained as a result of a **sewer back up on October 11, 2008 at 251 West Lake Drive** as is more particularly set forth in the within claim; said sum taken from and charged to Account **5051/170201/5750002/4310000**.

A true copy,

*Rhonda Dauphin Johnson*  
Municipal Clerk

ADOPTED by the Atlanta City Council  
APPROVED by Mayor kasim Reed

MAR 15, 2010  
MAR 23, 2010

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 08L1001

Date: February 15, 2010

Claimant /Victim TOMOND JACK AND SHARON E. JACK

BY:(Atty)(Ins.Co.) \_\_\_\_\_

Address: 251 West Lake Drive Atlanta, Georgia 30314

Subrogation: \_\_\_\_\_ Claim for Property damage \$ 7,340.00 Bodily Injury \$ \_\_\_\_\_

Date of Notice: 11/04/08 Method: Written, proper X Improper \_\_\_\_\_

Conforms to Notice: O.C.G.A. §36-33-5 X Ante Litem (6 Mo.) X

Date of Occurrence 10/11/08 Place: 251 West Lake Drive

Department Watershed Management Bureau: Wastewater Treatment & Collections Office: \_\_\_\_\_

Employee involved \_\_\_\_\_ Disciplinary Action: \_\_\_\_\_

NATURE OF CLAIM: The claimants sustained damages as a result of a sewer back up at 251 West Lake Drive causing damages in the above amount.

INVESTIGATION:

Statements: City employee \_\_\_\_\_ Claimant \_\_\_\_\_ Others \_\_\_\_\_ Written \_\_\_\_\_ Oral \_\_\_\_\_

Pictures X Diagrams X Reports: Police \_\_\_\_\_ Dept Report X Other X

Traffic citations issued: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

Citation disposition: City Driver \_\_\_\_\_ Claimant Driver \_\_\_\_\_

BASIS OF RECOMMENDATION:

Function: Governmental X Ministerial \_\_\_\_\_

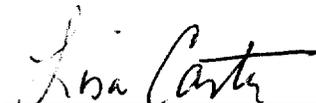
Improper Notice \_\_\_\_\_ More than Six Months \_\_\_\_\_ Other \_\_\_\_\_ Damages reasonable \_\_\_\_\_

City not involved \_\_\_\_\_ Offer rejected \_\_\_\_\_ Compromise settlement X

Repair/replacement by Ins. Co. \_\_\_\_\_ Repair/replacement by City Forces \_\_\_\_\_

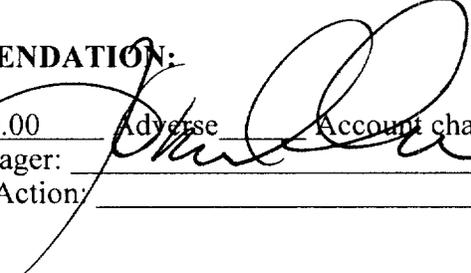
Claimant Negligent \_\_\_\_\_ City Negligent X Joint \_\_\_\_\_ Claim Abandoned \_\_\_\_\_

Respectfully submitted,

  
\_\_\_\_\_  
INVESTIGATOR - LISA CARTER

RECOMMENDATION:

Pay \$ 4,000.00 Adverse \_\_\_\_\_ Account charged: General Fund \_\_\_\_\_ Water & Sewer X Aviation \_\_\_\_\_

Claims Manager:  Concur/date 02/26/10

Committee Action: \_\_\_\_\_ Council Action \_\_\_\_\_

COUNCIL OF THE CITY OF ATLANTA  
MUNICIPAL CLERK  
City Hall  
55 Trinity Avenue, S.W.  
Atlanta, Georgia 30335

ef 10/29

RECEIVED  
RE: CLAIM FOR DAMAGES

2008 NOV -4 AM 10:00

Today's Date: 10-17-08

CARTER  
11/26/08

Dear Municipal Clerk:

ENTERED - 11-26-08 - SB  
08L1001 - L. CARTER

This is to notify the City of Atlanta that I have suffered damages in the amount sum of \$ 2,100 property and/or  
\$ N/A bodily injury for which I contend the City is liable.

1. Date of incident: 10/11/2008 2. Time of Incident: AM 3. Police called:  Yes  No  
(month/day/year)

4. Location of incident (including street address): 251 W. Lake Dr, Atlanta, GA 30314

5. Name of your insurance company: Nationwide Insurance Policy No. \_\_\_\_\_

6. State what and how incident occurred: Sewer main backup. The back up caused a flood in the basement of about 2 ft deep. The sewer water entered the basement through the toilet in the basement. The back up was caused by a tree that fell on the main line down the street from the subject property.

7. ALL ESTIMATES AND DAMAGES ARE SUBJECT TO INSPECTION. THE MAKING OF FALSE CLAIMS WILL RESULT IN YOUR CLAIM BEING DENIED AND MAY RESULT IN CRIMINAL PROSECUTION!

8. The registered owner must make the claim for vehicle damages, complete the following and attach two (2) estimates of repair and proof of ownership of your vehicle (copy of the current tag receipt or title).

Your vehicle: \_\_\_\_\_  
(Make) (Year) (Tag Number) (Driver's Name)

City vehicle: \_\_\_\_\_  
(Make) (City Driver's Name) (Department/Bureau)

9. Witness: \_\_\_\_\_  
(Name) (Address) (Telephone Number)

10. The acknowledgement of this claim in no way waives the sovereign immunity of the City of Atlanta, as granted by State law, nor is it an admission of liability on behalf of the City of Atlanta and / or its employee(s).

11. This claim should be mailed immediately to the address shown above.

I HEREBY SWEAR OR AFFIRM THAT THE ABOVE INFORMATION IS TRUE AND CORRECT.

Tomond Jack  
Signature of Claimant

Tomond Jack  
(Print Claimant's Name)

251 W. Lake Dr.  
(Address)

Atlanta, GA 30314  
(City, State and Zip Code)

(678) 469-8148 (678) 469-8148  
(Work Number) (Home Number)

10- R -0429

RCS# 124  
3/15/10  
2:18 PM

Atlanta City Council

REGULAR SESSION

CONSENT I

ADOPT

YEAS: 13  
NAYS: 0  
ABSTENTIONS: 0  
NOT VOTING: 1  
EXCUSED: 0  
ABSENT 2

Y Smith	Y Archibong	Y Moore	Y Bond
B Hall	Y Wan	Y Martin	Y Watson
Y Young	Y Shook	Y Bottoms	Y Willis
Y Winslow	Y Adrean	B Sheperd	NV Mitchell

CONSENT I